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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PENDLETON DIVISION

OREGON FIREARMS FEDERATION, INC.,
et al.,

Plaintiffs,

v.

TINA KOTEK, et al.,

Defendants,

and

Case No. 2:22-cv-01815-IM (lead case)
3:22-cv-01859-IM (trailing case)
3:22-cv-01862-IM (trailing case)
3:22-cv-01869-IM (trailing case)

JOINT STATUS REPORT

OREGON ALLIANCE FOR GUN SAFETY,

Intervenor-Defendant.

MARK FITZ, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

KATERINA B. EYRE, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants,

and

OREGON ALLIANCE FOR GUN SAFETY,

Intervenor-Defendant.

DANIEL AZZOPARDI, et al.,

Plaintiffs,

v.

ELLEN F. ROSENBLUM, et al.,

Defendants.

Counsel for the parties conferred by telephone and email but are unable to agree on a trial date and case schedule. Plaintiffs previously agreed to June 5-9 as the trial dates in this case, and the parties informed the Court of their agreement on those dates on Friday, February 17, 2023. Plaintiffs then informed defendants on Thursday, February 23, 2023, that they no longer agree to those dates. Defendants and Intervenor-Defendant (together, “Defendants”) would prefer to

adhere to the previously selected dates of June 5-9, as they believe the issues in this case require prompt resolution.

Both parties' proposed schedules are set out below.

Defendants' Proposed Case Schedule:

1. Initial Disclosures: The parties agree to waive initial disclosures as otherwise required by FRCP 26(a)(1)(A).
2. Defendants' Answers: Defendants will file answers to plaintiffs' complaints by **March 3.**
3. Disclosure of Additional Experts: The parties agree to treat the declarations filed with the briefing on the motions for preliminary injunction (ECF Nos. 72-76, 79-80, 109, 111, 116, 118-125, 129) as expert disclosures and witness statements. The parties shall disclose any additional expert reports no later than **March 8.**
4. Disclosure of rebuttal experts to additional experts: The parties will disclose rebuttal expert reports by **March 20.**
5. Service of written fact discovery: The parties will serve each other with all written discovery requests by **March 13.** Per FRCP 33(b)(2), 34(b)2(A), and 36(a)(3), responses to all written requests will be due no later than **April 14.**
6. Expert depositions: All expert depositions will be limited to three hours and will take place between **March 13** and **March 31.** The parties shall not retake any depositions of experts who have already been deposed, excepting any experts who have filed amended, corrected, or updated declarations following their depositions. The parties may retake fact witness depositions during the period for fact witness depositions.

7. Motions for judgment on the pleadings: Defendants in their individual capacity will file any motion for judgment on the pleadings by **March 17**. Only defendants in their individual capacity will file such a motion.

8. Fact depositions: All fact-witness depositions will be limited to three hours and will take place between **April 17** and **May 5**.

9. Discovery motions: Discovery motions (other than discovery motions arising from fact witness depositions) shall be filed no later than **April 28**. Responses shall be filed by **May 5**.

10. Amended pleadings: Amended pleadings are due **May 8**.

11. Trial brief: The parties will submit their respective trial briefs by **May 15**.

12. Pretrial motions, witness statements, and exhibit lists: Motions *in limine*, *Daubert* motions, fact witness statements, and exhibit lists shall be filed by **May 15**. Responses to motions *in limine* and *Daubert* motions and objections to exhibits and witness statements shall be filed by **May 22**.

13. Pretrial conference: The parties propose holding a half-day pretrial conference on **May 30**. The parties have stipulated that plaintiffs will present one witness during the pretrial conference, to accommodate that witness's unavailability during the agreed-upon trial setting. The witness will be subject to direct and cross examination, and the witness's testimony will be designated as part of the trial record.

14. Trial (5 days): The parties are available for a five-day bench trial during the week of **June 5-9**.

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Plaintiffs' Proposed Case Schedule:

1. Initial Disclosures: The parties agree to waive initial disclosures as otherwise required by FRCP 26(a)(1)(A).
2. Defendants' Answers: Defendants will file answers to plaintiffs' complaints by **March 3.**
3. Disclosure of Additional Experts: The parties agree to treat the declarations filed with the briefing on the motions for preliminary injunction (ECF Nos. 72-76, 79-80, 109, 111, 116, 118-125, 129) as expert disclosures and witness statements. The parties shall disclose any additional expert reports no later than **March 8.**
4. Disclosure of rebuttal experts to additional experts: The parties will disclose rebuttal expert reports by **March 15.**
5. Service of written fact discovery: The parties will serve each other with all written discovery requests by **March 13.** Per FRCP 33(b)(2), 34(b)2(A), and 36(a)(3), responses to all written requests will be due no later than **April 14.**
6. Expert depositions: All expert depositions will be limited to three hours and will take place between **March 13** and **March 31.** The parties shall not retake any depositions of experts who have already been deposed, excepting any experts who have filed amended, corrected, or updated declarations following their depositions. The parties may retake fact witness depositions during the period for fact witness depositions.
7. Motions for judgment on the pleadings: Defendants will file any motion for judgment on the pleadings by **March 17.**
8. Fact depositions: All fact-witness depositions will be limited to three hours and will take place between **April 17** and **May 5.**

9. Discovery motions: Discovery motions (other than discovery motions arising from fact witness depositions) shall be filed no later than **May 26**. Responses shall be filed by **June 2**.

10. Amended pleadings: Amended pleadings are due by **May 8**.

11. Motions for Summary Judgment: All motions for summary judgment are due by **May 12**.

12. Trial brief: The parties will submit their respective trial briefs by **July 10**.

13. Pretrial motions, witness statements, and exhibit lists: Motions *in limine*, *Daubert* motions, fact witness statements, and exhibit lists shall be filed by **July 10**. Responses to motions *in limine* and *Daubert* motions and objections to exhibits and witness statements shall be filed by **July 14**.

14. Pretrial conference: The parties propose holding a half-day pretrial conference on **July 7**. The parties have stipulated that plaintiffs will present one witness during the pretrial conference, to accommodate that witness's unavailability during the agreed-upon trial setting. The witness will be subject to direct and cross examination, and the witness's testimony will be designated as part of the trial record.

15. Trial (5 days): The parties are available for a five-day bench trial during the week of **July 24 – 28**.

In sum, the parties' proposed case deadlines are as follows. Dates the parties disagree on are bolded for the Court's reference.

Event	Defendants' Proposed Date	Plaintiffs' Proposed Date
Defendants' Answers	March 3	March 3
Disclosure of Experts	March 8	March 8

Service of Written Fact Discovery	March 13	March 13
Disclosure of Rebuttal Experts	March 20	March 15
Expert Depositions	March 13-31	March 13-31
Motions for Judgment on the Pleadings	March 17	March 17
Responses to Written Fact Discovery	April 14	April 14
Fact Witness Depositions	April 17-May 5	April 17-May 5
Discovery Motions	April 28	May 26
Responses to Discovery Motions	May 5	June 2
Amended Pleadings	May 8	May 8
Motions for Summary Judgment	n/a	May 12
Trial Briefs	May 15	July 10
Pretrial Motions, Witness Statements, Exhibit Lists	May 15	July 10
Responses to Motions, and Objections to Witness Statements Exhibit Lists	May 22	July 14
Pretrial Conference	May 30	July 7
Trial	June 5-9	July 24-28

DATED this 23rd day of February, 2023.

VAN NESS WILLIAMSON

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ECF CERTIFICATION

The filing attorney attests that he has obtained concurrence regarding the filing of this document from plaintiffs' counsel signatories to this document.

Date: February 23, 2023

s/ Hannah K. Hoffman

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